

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jamison *et al.*

Appl. No. 10/743,703 (Reissue of U.S. Patent
No. 6,332,495)

Filed: December 23, 2003

For: Clip On Manifold Heat Exchanger

Art Unit: 3743

Examiner: (Unassigned)

Att. Docket: 02057.0173.REUS00

Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted

herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

- ☒ 1. This Information Disclosure Statement is being filed;
- ☐ a. Within three months of the U.S. filing date of a national application other than a continued prosecution application under §1.53(d);
 - ☐ b. Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
 - ☒ c. Before the mailing date of a first Office Action on the merits;
 - ☐ d. Before the mailing of a first Office Action after filing of a request for continued examination under § 1.115.

No statement under 37 C.F.R. § 1.97(e) or fee is required.

or;

- ☐ 2. This Information Disclosure Statement is being filed after the period specified in paragraph 1(a)-1(d) above, but before the mailing date of a Final Rejection or Notice of Allowance, or action that otherwise closes prosecution in the application, and
- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1), or
 - ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2), or

- ☐ c. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but on or before payment of the Issue Fee. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(i), and
- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1), or
- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 4. Relevance of the non-English language document(s) is discussed in the present specification.
- ☐ 5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☒ 6. Concise explanations of the relevance of the non-English language documents appear below, as provided to the undersigned by an authorized representative of the Applicant in this case:

EP 0 864 840

The heat transfer system, has at least one dividing wall (4) separating at least one collection chamber (1), with an outer contour matching the inner contour of the chamber wall. The dividing wall is soldered in a sealed fit with the inner contour.

A holding foot (9), to hold the inserted dividing wall, has two flat facing wall sections (8) of adjacent tube ends (5). The holding foot has at least one one-piece and shaped strap (10), to form an insertion slit for the dividing wall.

EP 0 864 838


The heat exchanger has a block assembled from flat tubes and corrugated ribs. All the tube ends are widened so they can be combined in a stack. There are two collecting boxes, each at opposite sides of the block at the tube ends, plus two side parts which extend at least over the length of the block and are joined on opposite sides to the block. Each collecting box (1,2) is designed to be open towards its side regions relative to its longitudinal axis and the side parts (7) have closing sections (9) on the ends opposite the collecting boxes which seal the open side regions of the latter.

- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number 02057.0173.REUS00.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Bell", with a stylized flourish at the end.

Michael J. Bell (Reg. No. 39,604)

Michael J. Stimson (Reg. No. 45,429)

Date: September 8, 2004

HOWREY SIMON ARNOLD & WHITE, LLP
Box No. 34
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2402
(202) 783-0800

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE (Rev. 2-32) PATENT AND TRADEMARK OFFICE				Attorney Docket No. 02057.0173.REUS00		Serial No: 10/743,703
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use Several Sheets if Necessary)				Applicants: S. Donald Jamison <i>et al</i>		
				Filing Date: December 23, 2003		Group Art Unit: 3743
U.S. PATENT DOCUMENTS						
Examiner Initial	Document Number	Date (MM/DD/YY)	Name	Class	Subclass	Filing Date if Appropriate (MM/DD/YY)
	1,420,917	06/27/1922	Elliott			
	2,182,338	12/05/1939	Gurlik			
	3,016,230	01/09/1962	Cederstrom <i>et al.</i>			
	3,265,126	08/09/1966	Donaldson			
	3,472,316	10/14/1969	Couch, Jr.			
	3,757,855	09/11/1973	Kun <i>et al.</i>			
	4,183,402	01/15/19280	Ray W. Cotter			
	4,313,494	02/02/1982	Bengtsson			
	5,062,476	11/05/1991	Ryan <i>et al.</i>			
	5,186,250	02/16/1993	Ouchi <i>et al</i>			
	5,236,042	08/17/1993	Kado.			
	5,501,271	03/26/1996	Wijkstrom.			
	5,667,004	09/16/1997	Kroetsch.			
	5,787,973	08/04/1998	Kado <i>et al</i>			
	6,012,512	01/11/2000	Ghiani			
	6,068,050	05/30/2000	Ghiani			
	6,397,937	06/04/2002	Ghiani			

FOREIGN PATENT DOCUMENTS

						Translation	
Examiner Initial	Document Number	Date	Country	Class	Sub-Class	Yes	No
	EP 0 822 381	02/04/1998	EP				
	EP 0 864 840	09/16/1998	EP				
	EP 0 709 644	05/01/1996	EP				
	EP 0 864 838	09/16/1998	EP				
	EP 0 724 128	07/31/1996	EP				
	WO 79/01098	12/13/1979	WO				
	WO 79/01097	12/13/1979	WO				
	GB 488,571	08/04/1938	GB				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER		DATE CONSIDERED
<p>* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>		